PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY

AGENDA



Meeting Date: Tuesday October 16, 2018

Time: 6:00 p.m.

Location: Council Chambers, 21000 Hacienda Blvd.

California City, CA 93505

If you need special assistance to participate in this meeting, please contact the Planning Secretary's office at (760) 373-7141. Notification of 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

NOTE: Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda is available for public inspection in the City Clerk's office at City Hall located at 21000 Hacienda Blvd, California City, Ca during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable laws. These writings are also available for review in the public access binder in the Council Chambers at the time of the meeting.

LATE COMMUNICATIONS: Following the posting of the agenda any emails, writings or documents that the public would like to submit to the Commission must be received by the Recording Secretary no later than 3:00 p.m. the Monday prior to the meeting. Past that deadline citizens may bring these items directly to the meeting. Please bring 10 copies for distribution to Commission, staff and the public.

CALL TO ORDER

PLEDGE OF ALLEGIANCE / INVOCATION

ROLL CALL

Commissioners Creighton, Elmes, Hogan, Trumble, Wall

ADOPT AGENDA

PUBLIC COMMENTS

Members of the public are welcome to address the Planning Commission only on those items on the agenda. Each member of the public will be given three minutes to speak.

PLANNING SECRETARY REPORTS / LATE COMMUNICATIONS

STAFF ANNOUNCEMENTS / REPORTS

CONSENT CALENDAR All items on the consent calendar are considered routine and non-controversial and will be approved by one motion if no member of the Commission, staff or public wishes to comment or ask questions. (Public comments to be limited to three minutes) Roll call vote required.

NO ITEMS

PUBLIC HEARINGS

Public Hearing PH: 1: Zone Change 18-05 | General Plan Amendment GPA 18-05 | Applicant: Innovative Real Estate Investments represented by Musa Wadud.

Description: Public Hearing to consider recommending approval of a General Plan Amendment 18-05, (**GPA 18-05**) and the Adoption of Zone Change 18-05, (**ZC 18-04**) for 3 one acre parcels, APNs 299-261-08, 09, and 10 located south of Mendiburu Road and west of Neuralia Road from O/RA Open Space/Residential/Agricultural O/RA to M1 Light Industrial and Research Zone to accommodate cannabis industry.

PUBLIC HEARING PROCEDURE

- A. Chairman reads the item
- B. Chairman declares Public Hearing open
- C. Hear Staff Report
- D. Commission questions only
- E. Ask Secretary to report on any communication(s)
- F. Chairman calls for Public Testimony
- G. Close Public Hearing by motion
- H. Commission decision
- I. Commission motion and vote

Recommendation: Conduct the public hearing, take public testimony, and adopt Planning Commission Resolution No PC 10-16-2018 ZC 18-05 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ADOPT ZONE CHANGE ZC 18-05 AND GENERAL PLAN AMENDMENT GP- 18-05 TO CHANGE THE GENERAL PLAN DESIGNATION FOR THREE CONTIGUOUS 1 ACRE PARCELS (ZONED O/RA – OPEN SPACE RESIDENTIAL/AGRICULTURE) LOCATED AT THE SOUTHWESTERN CORNER OF NEURALIA ROAD AND MENDIBURU ROAD SECTION 22, TOWNSHIP 32, RANGE 37, APN: 229-261-08, 09 & 10 TO M1- LIGHT INDUSTRIAL AND RESEARCH.

Roll Call Vote.

CONTINUED BUSINESS

DISCUSSION ITEMS:

1) Zone Change request from O/RA to M1 – Light Industrial and Research & C5 – Regional Commercial for various business operations for approximately 911 acres. **APPLICANT:** Eric Flodine - Strata Equity Group Inc.

PLANNING COMMISSION AGENDA

This portion of the meeting is reserved for planning commission members to present information, announcements, and items that have come to their attention. The Brown Act precludes Council, staff or public discussion. Short staff responses are appropriate. The Commission will take no formal action. The Commissioner may request the Public Works Director to calendar an item for consideration at a future meeting, or refer an item to staff.

Commissioner Trumble Commissioner Hogan Commissioner Wall Vice Chairman Elmes Chairman Creighton

ADJOURNMENT

AFFIDAVIT OF POSTING: This agenda was posted on all official City bulletin boards, the City's website and agenda packets were completely accessible to the public at City Hall at least 72 hours prior to the Planning Commission Meeting.

Authors: Anu Doravari & Matthew Alexander

PUBLIC HEARING 1



ZONE CHANGE & GENERAL PLAN AMENDMENT 18-05

| ZC 18-05 | GPA 18-05 |





OCTOBER 16, 2018

CALIFORNIA CITY
PLANNING COMMISSION MEETING
Author: Anu Doravari, Planning Technician

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STAFF REPORT ZC 18-05 PLANNING COMMISSION

MEETING DATE: OCTOBER 16, 2018

TO: Planning Commission

FROM: Public Works Director

MEETING DATE: October 16, 2018

SUBJECT: Public Hearing to consider recommending the adoption of Zone Change 18-05, (**ZC 18-05**) approval of General Plan Amendment 18-05, (**GPA 18-05**) and for three 1 acre parcels, APNs 299-261-08, 09, and 10 in California City. The property is located south of Mendiburu Road and west of Neuralia Road, T32S, R37E, a portion of the NE1/4 of the NE1/4 of the NE1/4 of Section 22, M.D.B.M. The project qualifies for a categorical exemption per CEQA in order to Rezone and Amend the General Plan from O/RA Open Space/Residential/Agricultural O/RA to M1 Light Industrial and Research Zone to accommodate cannabis industries.

PLANNING COMMISSION ACTION:

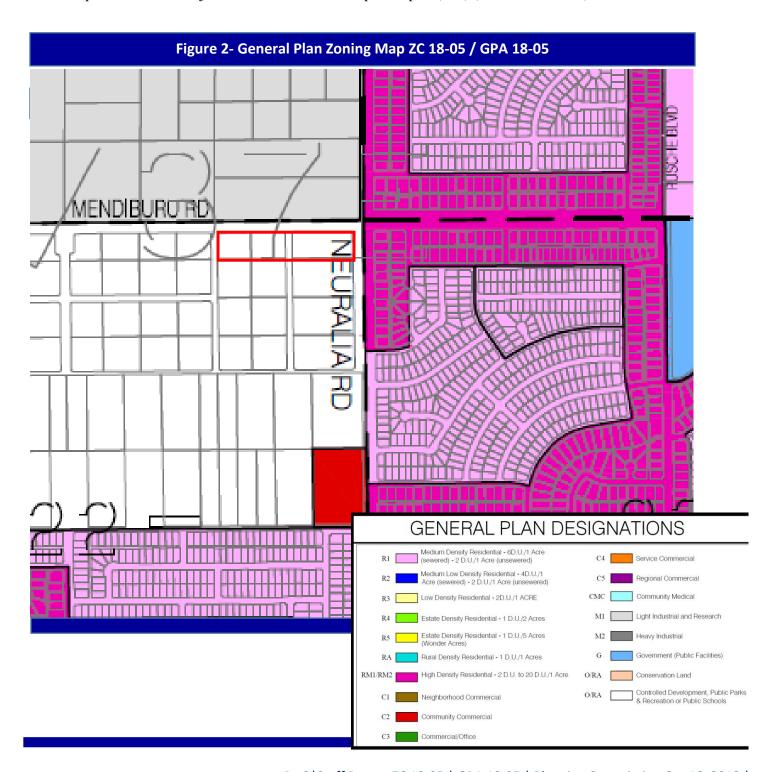
Staff recommends that the Planning Commission recommend approval of the following to City Council:

- 1. ORDINANCE _____ approving Zone Change 18-05 (Attachment 1)
- 2. RESOLUTION NO. _____ amending the General Plan Designation (Attachment 2)



<u>APPLICANT:</u> Innovative Real Estate Investments, (applicant) and Musa Wadud & Leland Krelle, (property owners) represented by **Musa Wadud.**

GENERAL LOCATION: The 3 one acre parcels, APNs 299-261-08, 09, and 10 in California City, Kern County are located south of Mendiburu Road and west of Neuralia Road, T32S, R37E, a portion of the NE1/4 of the NE1/4 of the NE1/4 of Section 22, M.D.B.M. The property lies within the project area of the 1988-2028 City of California City Redevelopment Plan and Project Area Environmental Impact Report (EIR) (SCH #871109128).

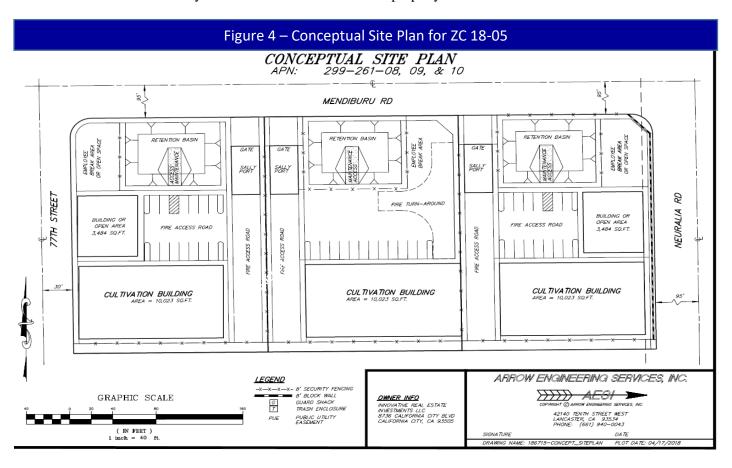


BACKGROUND:

The purpose of the zone change is for the development of a cannabis growing operation. The current zone is O/RA and the proposed zoning is M1 Light Industrial.

Innovative Real Estate Investments is planning on starting with a Phase I on APN 299-261-10. This development includes a 10,000 square foot cultivation building. A 6 foot block wall will be constructed on the east boundary of the lot and an 8 foot chain-link fence on the other 3 sides. A Sally Port will be constructed for an efficient high security entrance. The main access will be through Mendiburu Road. The project site will include an approximately 3,400 square foot building or open area that can be used for either office space or for an operating area and will include an employee break area. The facility will not be open to the public. A retention basin will be constructed on site at the northwest corner of APN 299-261-10 to manage the storm water run-off and to prevent any possible on and offsite flooding. The project site will connect to a 15 inch sewer line along Mendiburu Road. The project site will connect to a 10 inch water main present along Neuralia Road and is projected to use approximately 175,000 gallons per year. The estimated start time of construction is approximately November 2018.

The lots north of the property are zoned M-1 Light Industrial and are also working on the development of a cannabis growing operation. The lots east of the property are zoned RM1/RM2, however we are planning on leaving a 200 foot setback line from the residential property line to the cultivation building. The east boundary line will also be secured with an 6 foot block wall for security. The lots west and South of the property are also zoned O/RA.



The staff is recommending that the Land Use Element of the General Plan for the project site be amended from O/RA Open Space, Residential or Agriculture to M1 – Light Industrial and Research to accommodate the applicant's zone change request. The O/RA Zone District is limited regarding the extent of urbanization that may occur. The purpose of the

Open Space, ("O") Zone District is to provide for the preservation and conservation of unique natural resource lands, protection and preservation of unique wildlife resources and habitats, protection against flooding by storm water in flood prone areas and the establishment of active and passive recreational uses. The Residential/Agricultural ("RA") District provides living area which combines the advantages of urban and rural location by limiting development to very low density one-family dwellings and permitting animals and fowl to be kept for pleasure or hobbies.

The M-1, (light industrial), district is intended for urban areas appropriate for uses permitted in commercial districts, light manufacturing, assembly, maintenance, or repair. The subject parcel abuts M1 zoned property on the Northwest corner thereby establishing zoning consistency. California State Law also requires that the Zoning Districts be consistent with the General Plan land use designations. There is a matrix within the General Plan indicating that O/RA district is conditionally compatible with M1- Light Industrial. When the proponent establishes a specific industry for the property, the use is conditionally compatible and subject to conditions issued by various departments in the City especially because the parcel is land locked now. Therefore, amending the General Plan is most appropriate because the City utilizes one map for both the Zoning Ordinance and General Plan. It would be preferred that the General Plan land use designation be amended to M1- Light Industrial District because subject parcel adheres to consistency with General Plan land use designations.

NOTICING:

Notice of public hearing before the Planning Commission of the City of California City for this project was advertised in the *Mojave Desert Newspaper* on October 5, 2018, specifically a Notice of Intent to approve this Zone Change and General Plan Amendment. Further, all property owners within 300 feet of the project site were notified about the hearing and the proposed zone change at least 10 days prior to the public hearing in accordance with State law.

ENVIRONMENTAL REVIEW AND DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA), a Categorial Exemption for Zone Change 18-05 and General Plan amendment 18-05 has been prepared. This proposal qualifies as a 15332, In-Fill Development Project. Class 32 consists of projects characterized as in-fill development because the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. Further this project adheres to the statures of CEQA Title 14, Section 15332 In-fill development. Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code.

15332. In-Fill Development Projects:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

Discussion: This section is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects.

RECOMMENDATION: That the Planning Commission approve Resolution # **PC 10-16-2018 ZC 18-05** and recommend adoption of the following to City Council:

City Council D	ocuments:
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1.	ORDINANCE	approving Zone Change ZC 18-05 (Attachment 1)
2.	RESOLUTION NO.	amending the General Plan Designation GPA 18-05 (Attachment 2)

RESOLUTION NO. PC 10-16-2018 ZC 18-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ADOPT ZONE CHANGE ZC 18-05 AND GENERAL PLAN AMENDMENT GP- 18-05 TO CHANGE THE GENERAL PLAN DESIGNATION FOR THREE CONTIGUOUS 1 ACRE PARCELS (ZONED O/RA – OPEN SPACE RESIDENTIAL/AGRICULTURE) LOCATED AT THE SOUTHWESTERN CORNER OF NEURALIA ROAD AND MENDIBURU ROAD SECTION 22, TOWNSHIP 32, RANGE 37, APN: 229-261-08, 09 & 10 TO M1- LIGHT INDUSTRIAL AND RESEARCH

THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City Council of the City of CALIFORNIA CITY adopted the 2015-2035 General Plan on June 21, 2016; WHEREAS, California Government Code Section 65358(a) authorizes the City Council to amend the General Plan if it deemed to be in the public interest;

WHEREAS, the General Plan is a long-range, comprehensive document that serves as a guide for the orderly development of the City of CALIFORNIA CITY;

WHEREAS, by its very nature, the General Plan is subject to update and revision to account for current and future community needs;

WHEREAS, an application was filed by Property owner **Musa Wadud** is requesting approval of the following:

- 1. **General Plan Amendment GP-18-05.** Change the land use designation from O/RA Open space/Residential or Agriculture District to M1 Light Industrial & Research to allow for an Industrial facility supporting cannabis operations.
- 2. **Rezone ZC 18-05.** A rezone to change the zoning classification from O/RA Open space/Residential or Agriculture District to M1 Light Industrial & Research.

SECTION 1. FACTS:

The Planning Commission finds, determines and declares:

- 1. A duly-noticed public hearing has been conducted to consider the matter;
- 2. Resolution No PC 10-16-2018 ZC 18-05 will be forwarded to the City Council for their consideration;
- 3. This amendment will not result in any significant adverse environmental impacts;
- 4. This amendment will promote the welfare of the community;
- 5. This amendment is consistent with the general plan and the City's zoning ordinance.
- 6. A change in district boundaries shall not be made conditionally.

The Planning Commission shall make its decision and adopt findings within forty-five (45) days following the completion of the public hearing. The Commission shall transmit its decision to the City Council.

SECTION 2. FINDINGS:

A. Finding: The cumulative effect of all the planning applications have been considered.

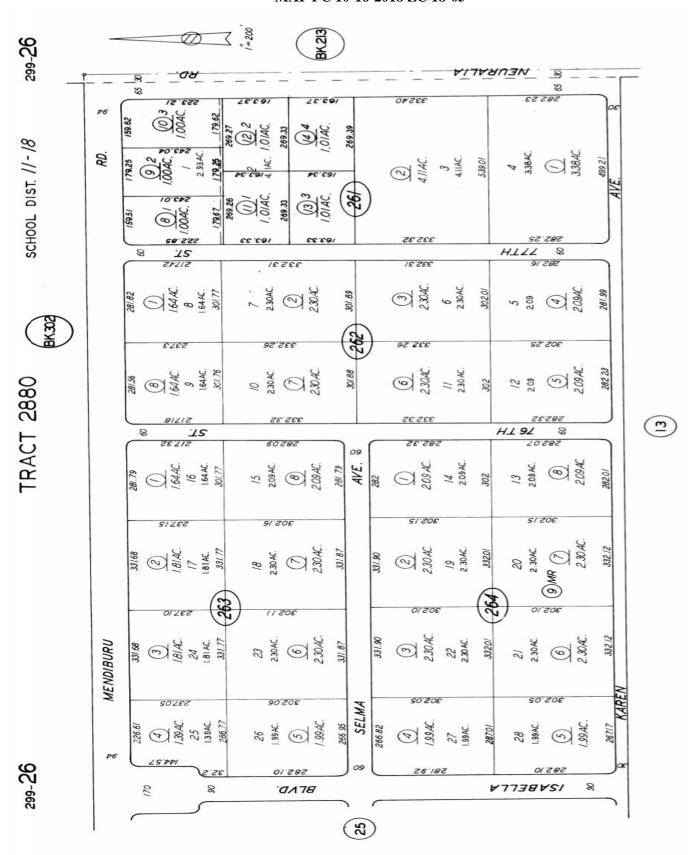
Facts in Support of Findings: The cumulative effects of General Plan Amendment GP-18-04, Zone Change ZC18-04 have all been considered. The project qualifies for an exemption under CEQA exemption section 15332, Infill Development, which discovered no impact due to the zone change or the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of California City does hereby approve Zone Change 18-05 & General Plan Amendment GPA 18-05 for the three 1 acre parcels located at the Southwestern corner of neuralia road and mendiburu road section 22, township 32, range 37, APN: 229-261-09, 08 & 10 in the county of Kern, California City, CA 93505 as displayed in Map PC 10-16-2018 ZC 18-05.

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the Planning Commission on the 16th day of October, 2018.

AYES:		
NOES:		
ABSENT:		
ABSTAIN:		
		James Creighton, Chairman
ATTEST:		
	Recording Secretary	

MAP PC 10-16-2018 ZC 18-05



Pg-8 | Staff Report ZC 18-05 | GPA 18-05 | Planning Commission Oct 16, 2018 |

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ORDINANCE	NO.
	1117.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY REZONING THREE CONTIGUOUS 1 ACRE PARCELS (ZONED O/RA – OPEN SPACE RESIDENTIAL/AGRICULTURE) LOCATED AT THE SOUTHWESTERN CORNER OF NEURALIA ROAD AND MENDIBURU ROAD, SECTION 22, TOWNSHIP 32, RANGE 37, APN: 229-261-08, 09 & 10 TO M1- LIGHT INDUSTRIAL AND RESEARCH

(Zone Change for Musa Wadud /Zone Change No. 18-05)

THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY DOES ORDAIN AS FOLLOWS:

1. Findings

The council finds, determines and declares:

- a. A duly-noticed public hearing has been conducted by the Planning Commission and by the City Council to consider the zone change set forth herein.
- b. This zone change will not result in any significant adverse environmental impacts.
- c. This zone change will promote the welfare of the community.
- d. The proposed General Development Plan and Rezone are consistent with and implement the policies of the City of California City's General Plan, including the Housing Element.
- e. The land uses, and their density and intensity, allowed in the proposed Development Plan and Rezone are not likely to create serious health problems or create nuisances on properties in the vicinity.
- f. The City Council has considered the effect of the proposed Development Plan and Rezone on the housing needs of the region and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.
- g. The area is physically suited to the uses authorized in the proposed general development plan and zoning.
- h. The proposed Development Plan and Rezone are compatible with the land uses existing and permitted on the properties in the vicinity.
- i. The Planning Commission approved the proposal by Resolution No. PC 10-16-2018 ZC 18-05
- j. The City Council properly noticed a public hearing for the ______regular City Council meeting.

2. Property Description.

The property affected by this ordinance (herein "subject property") is 3 adjacent 1 acre parcels located on the southwestern corner of Neuralia road and Mendiburu road, Section 22, Township 32, Range 37, APN: 229-261-08, 09 &10 in the county of Kern, California City, CA 93505 Latitude 35.1398, Longitude -117.9977. The property lies within the project area of the 1988-2028 City of California City Redevelopment Plan and Project Area Environmental Impact Report (EIR) (SCH #871109128).

3. Authority.

The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.

4. Zoning Amendment.

This Zone Change No. 18-05 hereby rezones the subject property from (O/RA) – Open-Space, Residential or Agriculture to Light Industrial and Research (M1), and the City's zoning map will be revised accordingly.

5. Categorical Exemption per CEQA Section 15332.

The Council finds that there is no reasonable basis to conclude that the future potential development of the subject property will cause a significant environmental effect.

6. Severability.

If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

7. Publication.

Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in the newspaper of official record for the City. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in the newspaper of official record for the City, and shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(l) are met.

This ordinance was introduced at the City Council meeting of	2018, by the following vote:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Jennifer Wood, Mayor
APPROVED AS TO FORM:	
Christian Bettenhausen,	
City Attorney	

ATTACHMENT	7
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RESOI	TITI	ON NO
RESUL	4U I I	

RESOLUTION OFTHECITY COUNCIL OFTHECITYOFCALIFORNIA CITYAPPROVINGA RESOLUTION AMENDING THE GENERAL PLAN DESIGNATION OF THREE CONTIGUOUS 1 ACRE PARCELS (ZONED O/RA – OPEN SPACE RESIDENTIAL/AGRICULTURE) LOCATED AT THE SOUTHWESTERN CORNER OF NEURALIA ROAD AND MENDIBURU ROAD, SECTION 22, TOWNSHIP 32, RANGE 37, APN: 229-261-08, 09 & 10 TO M1- LIGHT INDUSTRIAL AND RESEARCH

The City Council of the City of California City does resolve as follows:

Section 1. The proposal is categorically exempt from CEQA and a Notice of Exemption has been prepared thereby no significant impact to the environment is expected.

Section 2. The City Council of the City of California City finds and determines that:

The City Council has considered a General Plan Amendment (GP 18-05) to change the land use designation for three contiguous 1 acre parcels (zoned O/RA – open space residential/agriculture) located at the southwestern corner of Neuralia road and Mendiburu road section 22, township 32, range 37, apn: 229-261-08, 09 & 10 to m1- light industrial and research for cannabis business operations.

- A. The City Council has considered the effect of the approval of this General Plan Amendment on the housing needs of the region and balanced those needs against the public service needs of its residents and available fiscal and environmental resources.
- B. The proposed General Plan Amendment is consistent with the goals and policies of the adopted general plan, including the housing element.
- C. The area is physically suited for the land uses allowed by the proposed amendment in terms of topography and availability of services.
- D. The circulation and land uses allowed by the proposed amendment are compatible with land uses existing and permitted on properties in the vicinity, providing the properties are developed in accordance with the policies and requirements of the California City General Plan and applicable zoning and subdivision ordinances.
- E. The circulation and land uses allowed by the proposed amendment, and their intensity, are not likely to create serious health problems or nuisances on properties in the vicinity.
- F. The land uses and circulation allowed by the proposed amendment are consistent with and implement the goals and policies of the California City General Plan, including the Housing Element.

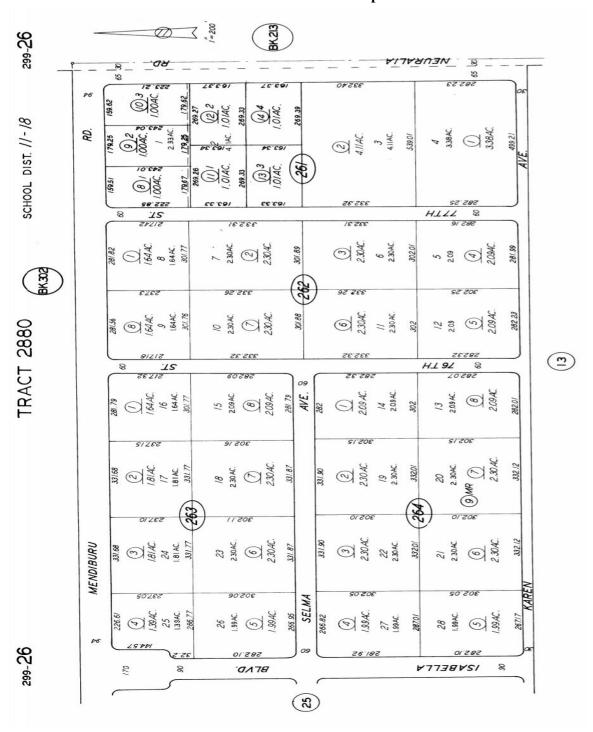
Section 3. The City Council approves the General Plan Amendment (GP 18-05), as shown in MAP 1, attached hereto and by this reference incornorated herein

attached hereto and by this reference incorporated herein.	
PASSED AND ADOPTED this, 2018, by the following vote:	: AYES:
NOES:	
ABSENT:	
ABSTAIN:	
	Jennifer Wood, Mayor
ATTEST:	

Denise Hilliker,

City Clerk	
Page 2 of	
Reso. No	

Map 1





To: California City Planning Commission **From:** Craig Platt, Public Works Director

Date: October 16, 2018

Subject: Zone Change for Eric Flodine -Strata Equity Group Inc.

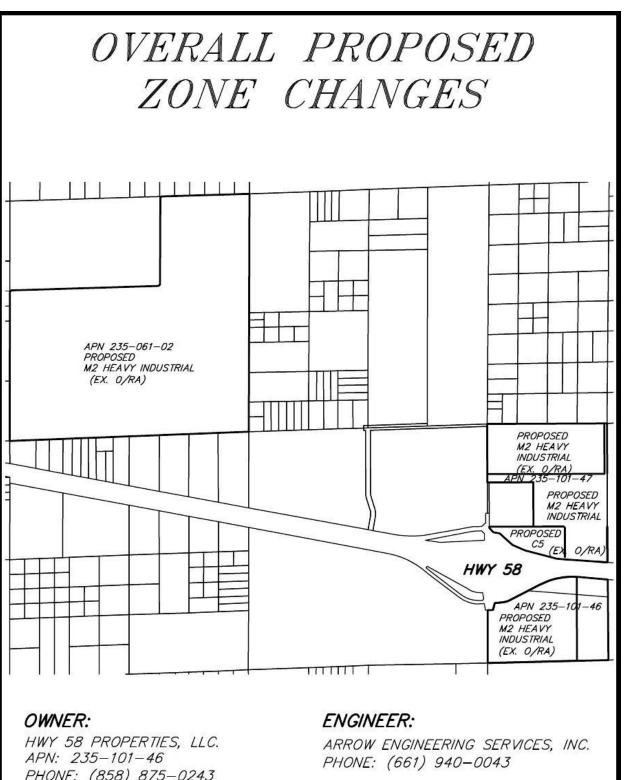
Discussion Item at 10-16-18 Planning Commission Meeting

Brian Glidden has requested that the Planning Commission consider the feasibility of rezoning 911 acres from O/RA to M2 and C5 for property located proximate to SR 58. Please see the attached conceptual site plans for Eric Flodine (Strata Equity Group), including the following three parcels:

APN 235-061-02 = 640 Acres APN 235-101-46 = 158 Acres APN 235-101-47 = <u>113</u> Acres

Total 911 Acres

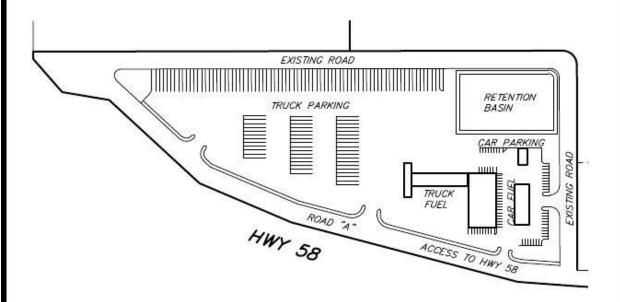




PHONE: (858) 875-0243

CONCEPTUAL SITE PLAN

COMMERCIAL - C5 APN 235-101-47



AUGUST 8, 2018



NOT TO SCALE

OWNER:

HIGHWAY 58 PROPERTIES, LLC.

APN: 235-101-46

PHONE: (858) 875-0243

ENGINEER:

ARROW ENGINEERING SERVICES, INC.

PHONE: (661) 940-0043

